

### REMARKS/ARGUMENTS

Favorable reconsideration of the present application in view of the above amendments and in light of the following discussion is respectfully requested.

Claims 1-20 are pending. Claims 1, 3, 8-13, 15, 16, 18, and 20 are currently amended. Support for the amendment of Claims 1, 3, 8-10, 15-16, 18, and 20 can be found in the published application at paragraphs [0053]-[0054], for example. Support for the amendment of Claims 11-13 is self-evident. No new matter is introduced.<sup>1</sup>

In the outstanding Office Action, Claims 1-4, 8-12, and 14-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McCaleb (U.S. Patent No. 6,751,794) in view of Chan (U.S. 2002/0194356). Claims 5-7 and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over McCaleb in view of Chan and Xian (U.S. Patent No. 6,327,584).

Amended Claim 1 recites an information processing apparatus that includes a memory means for separately storing functional generation information and application software. Amended Claim 1 also recites that the functional generation information includes a *first URL that corresponds to an external location where the functional generation information is registered and a second URL that corresponds to an external location where an update to the application software is registered*. Furthermore, amended Claim 1 recites that second functional generation information is registered in an information providing apparatus that is located remotely from the information processing apparatus at the first URL. The information processing apparatus of amended Claim 1 also includes an obtaining means and a comparing and determining means for comparing first functional generation information with the second functional generation information and determining which is a newest functional generation information.

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<sup>1</sup> Amended Claims 1, 4-5, 8-11, 13, 16, and 20 find support in the claims as previously presented and in the specification as originally filed at least at p. 32, ln. 16 - p. 33, ln. 6, for example.

Turning to the applied references, McCaleb illustrates client systems 110 and 115 which contain multiple software packages.<sup>2</sup> McCaleb also describes a server 105 maintains a part database 120, containing software patches and software updates for the client systems 110 and 115.<sup>3</sup> McCaleb states that the server 105 may issue a command to client systems 110 and 115 to check: a file version number, filename, drive letter, key name, or file size of an installed application.<sup>4</sup> However, McCaleb does not suggest or disclose functional generation information that includes a *first URL* that corresponds to an external location where the functional generation information is registered and a *second URL* that corresponds to an external location where an update to the application software is registered.

As acknowledged by the Office Action, the client systems 110 and 115 of McCaleb stores information regarding file version number, filename, drive letter, key name, or file size. However, none of these attributes are equivalent to *functional generation information stored in a memory of an information processing apparatus* that includes a **first and second URL** which identifies where (1) functional generation information in registered and (2) an application update is registered.

The Applicants further traverse the McCaleb teaches an *information processing apparatus* that includes a comparing and determining means that compares first functional generation information with second functional generation information and determines which is a newest functional generation information.

As stated by the Office Action, (1) “*McCaleb* discloses an information processing apparatus (Client System 110, Figure 1)”<sup>5</sup>, (2) “an information providing apparatus (Server 105, Figure 1)”<sup>6</sup>, and (3) “server 105 compares second functional generation information with

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<sup>2</sup> See, McCaleb, at column 3, lines 55-58.

<sup>3</sup> See, McCaleb, at column 3, lines 64-68.

<sup>4</sup> See, McCaleb, at column 4, line 64 - column 5, line 8.

<sup>5</sup> See, The Office Action of May 12, 2009, page 3, lines 1-2.

<sup>6</sup> See, The Office Action of May 12, 2009, page 3, lines 11-12.

the first functional generation information. If second generation information is newest, Client Database 110 is updated with said information.”<sup>7</sup> Accordingly, McCaleb describes that the **server 105**, which is remotely located from the client system 110, compares software version information found in client 110 and determines whether client 110 requires an update. By comparison, amended Claim 1 recites an **information processing apparatus** that includes the comparing and determining means. A remotely located server comparing software versions is not equivalent to an information processing apparatus which compares and determines whether the functional generation information stored in the included memory means is a newest functional generation information.

Based on the foregoing, McCaleb does not suggest or disclose all of the features of amended Claim 1.

Chan fails to cure the deficiencies of McCaleb. Figure 1 of Chan illustrates a system of downloading music and playing the downloaded music including server 210, network 310, and terminal 110.<sup>8</sup> Chan describes that the terminal 110 includes a virtual amplifier that includes a serial number.<sup>9</sup> This serial number is used as an encryption key to access the content on the server 210.<sup>10</sup> Chan states that the virtual amplifier sends the user’s ID, password, desired music number, and the product serial number to the server 210. Similar to McCaleb discussed above, the information stored by the virtual amplifier of Chan is not equivalent to *functional generation information stored in a memory of an information processing apparatus* that includes a **first and second URL** which identifies where (1) functional generation information is registered and (2) an application update is registered.

Also similar to McCaleb, the **server 210** of Chan (not the virtual amplifier) determines whether the serial number is a valid serial number capable of decrypting the

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<sup>7</sup> See, The Office Action of May 12, 2009, page 4, lines 5-8.

<sup>8</sup> See, Chan at paragraph [0027].

<sup>9</sup> See, Chan at paragraph [0032].

<sup>10</sup> See, Chan at paragraph [0041].

downloaded music.<sup>11</sup> Whereas amended Claim 1 recites an information processing apparatus, which is remotely located from the information providing apparatus, that includes a comparing and determining means. Accordingly, Chan does not suggest or disclose all of the features of amended Claim 1.

Xian fails to cure the deficiencies of McCaleb and Chan. Figure 5 of Xian illustrates a system for updating a file 500.<sup>12</sup> When new data is available a temporary file 508 is created that corresponds to the old file 500.<sup>13</sup> When the data writing is complete, temporary file 508 becomes updated file 508.<sup>14</sup> However, Xian fails to suggest or disclose functional generation information that includes a *first URL* that corresponds to an external location where the functional generation information is registered and a *second URL* that corresponds to an external location where an update to the application software is registered. Accordingly, Xian fails to suggest or disclose all of the features of amended independent Claim 1.

Accordingly, even the combined teachings of McCaleb, Chan, and Xian do not disclose or suggest all the features of amended Claim 1. It is submitted that amended Claim is in condition for allowance.

Although drawn to different statutory subject matter classifications, amended independent Claims 8-10 and 20 recite features that are substantially similar to that of amended independent Claim 1. Therefore for substantially the same the reasons stated above for Claim 1, amended Claims 8-10 and Claim 20 are believed to be in condition for allowance.

Dependent Claims 2-7 and 11-13 are respectfully submitted to be in condition for allowance for at least the same reasons as amended Claim 1 from which they depend.

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<sup>11</sup> See, Chan at paragraphs [0042]-[0043].

<sup>12</sup> See, Xian at col. 14, lns. 9-15.

<sup>13</sup> See, Xian at col. 14, lns. 16-18.

<sup>14</sup> See, Xian at col. 14, lns. 18-20.

Moreover, dependent Claims 2-7 and 11-13 recite additional features that are not disclosed or suggested in the cited references.

For example, amended Claim 3 recites that the application software is updated to application software that corresponds with the second functional generation information which is located *at the second URL*. The cited references fail to suggest or disclose this feature.

Dependent Claims 14-16 depend from amended independent Claim 8 and recite additional features that are not disclosed or suggested in the cited references. Moreover, as discussed above, Claim 8 is believed to be in condition for allowance. Accordingly, Claims 14-16 are believed to be in condition for allowance for at least the same reasons as Claim 8, from which they depend.

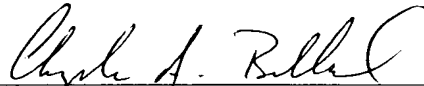
Dependent Claims 17-19 depend from amended independent Claim 10 and recite additional features that are not disclosed or suggested in the cited references. Moreover, as discussed above, Claim 10 is believed to be in condition for allowance. Accordingly, Claims 17-19 are believed to be in condition for allowance for at least the same reasons as Claim 10, from which they depend.

For the reasons discussed above, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. Therefore, a Notice of Allowance for Claims 1-20 is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below-listed telephone number.

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